

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

\*\*\* FILED \*\*\*  
02/26/2001

02/15/2001

CLERK OF THE COURT  
FORM L000

HON. MICHAEL O. WILKINSON

J. SCHULDT  
Deputy

CR 1997-009340

CR 1997-09339  
CR 1997-09341

FILED: \_\_\_\_\_

STATE OF ARIZONA

MARIA Y ARMIJO  
JEANNETTE GALLAGHER

v.

TONATIHU AGUILAR

BRUCE E BLUMBERG  
ROBERT L STORRS

MCSO-DIS  
OFFICE OF COURT APPOINTED  
COUNSEL  
VICTIM WITNESS DIV-CA-CCC

MINUTE ENTRY

2:25 p.m. This is the time set for hearing on pending motions. State is represented by co-counsel, Maria Armijo and Jeannette Gallagher. Defendant is present, and represented by Robert Storrs.

Court Reporter, Marianne Burton, is present.

Pending motions: (1) Desserault Hearing (2) State's Rule 15.2 motion as to tattoo (3) Motion in Limine regarding alleged drug activity, which was received by the Court this date (4) State's request for notice of defenses, (5) motion dealing with intent (5) State's motion for reconsideration, which is denied (6) State's motion regarding witnesses that the State will call to testify.

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Defendant has filed proposed Jury Questionnaire and Motion for Production.

Statements are presented to the Court regarding prospective witnesses.

IT IS ORDERED appointing counsel from the Office of Court-Appointed Counsel for witnesses Alvarado Lopez and Felix Flores. The Court will notify OCAC in this regard.

Defense counsel renews his objection regarding witnesses Lopez and Flores.

Desserault issue:

The Court reviews a video tape which is marked as State's Exhibit 1 and received into evidence. On request of Defense counsel, the video tape is recorded by the court reporter.

Oral argument is presented to the Court.

The Court does not find the procedures set forth in the video tape to be unduly suggestive. The Court will allow in-court testimony about the identification.

Motion in limine regarding drug activity:

Oral argument is presented to the Court.

This motion will be held in abeyance until such time as defense counsel has a witness to testify regarding drug activity.

Request to have tatoos photographed:

Oral argument is presented to the Court.

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IT IS ORDERED that the State shall nominate a detective for the purpose of examining the Defendant in the jail, and taking a picture of any tattoo of the Walt Disney character, Dopey.

Defendant's motion for production:

Statements are presented to the Court.

IT IS ORDERED that Defense counsel shall interview Ms. Becker. The Court will issue an order after the interview.

Regarding the Jury Questionnaire, the Court will not use it, but will use a number of questions from the questionnaire. The Court will qualify the jury over Defense counsel's objection.

Other Trial matters are discussed.

Trial date of February 20, 2001 is affirmed.

3:30 p.m. Hearing concludes.